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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Docket No. 408.014-CON

408.014-CON

Oct 10

Applicants : Juana MAGDALENA et al.

Serial No. : 10/086,206

Art Unit: TBA

Filed : February 28, 2002

Examiner: TBA

For : FRAGMENTS OF NUCLEIC ACIDS SPECIFIC TO
MYCOBACTERIA WHICH ARE MEMBERS OF THE M.
TUBERCULOSIS AND THEIR APPLICATIONS FOR THE
DETECTION AND THE DIFFERENTIAL DIAGNOSIS OF
MEMBERS OF THE M. TUBERCULOSIS COMPLEX

Box Sequence
Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Dear Sir:

Applicants submit herewith: (1) a computer diskette containing the computer readable Substitute Sequence Listing for the above-identified patent application; (2) a paper copy of the Substitute Sequence Listing; and (3) a Statement under 37 C.F.R. §§1.821-1.825 indicating that the paper copy is identical to the computer-readable copy of the Substitute Sequence Listing. No new matter is presented in the computer readable and written forms of the Substitute Sequence Listing. Entry of the Substitute Sequence Listing into the instant application is respectfully requested.

IN THE SPECIFICATION:

Following the last page of the specification as originally filed, please replace the Sequence Listing with the accompanying Substitute Sequence Listing.

Please amend the specification as follows:

On page 14, please replace (or rewrite) line 12 with the following:

-- Figure 2: Nucleotide sequence (SEQ ID NO:12) of the *senX3* and --

On page 14, please replace (or rewrite) line 14 with the following:

-- sequences: nucleotides 3 to 119 is the open reading frame (ORF) for PgmY amino acid sequence (SEQ ID NO:19); nucleotides 296 to 1528 is the ORF for the SenX3 amino acid sequence (SEQ ID NO:20); and nucleotides 1679 to 2362 is the ORF for the RegX3 amino acid sequence (SEQ ID NO:21). The arrows indicate palindromic sequences. --

On page 14, please replace (or rewrite) line 34 with the following:

-- region between the BCG (IPP) (nucleotides 1516-1689 of SEQ ID NO:12) and *M. tuberculosis* (IPL) (SEQ ID NO:13) --

On page 14, please replace (or rewrite) line 37 with the following:

-- inferred protein sequences. The intercistronic region of BCG contains two open reading frames (ORFs): (1) nucleotides 1525-1602 of SEQ ID NO:12 is the ORF for SEQ ID NO:14 and (2) nucleotides 1602-1679 of SEQ ID NO:12 is the ORF for SEQ ID NO:15. The intercistronic region of *Mycobacterium tuberculosis* contains three ORFs: (1) nucleotides 10-87 of SEQ ID NO:13 is the ORF for SEQ ID NO:16, (2) nucleotides 87-164 of SEQ ID NO:13 is the ORF for SEQ ID NO:17, and (3) nucleotides 164-217 of SEQ ID NO:13 is the ORF for SEQ ID NO:18. --

IN THE CLAIMS:

Please amend claims 44 and 53 to read as follows:

(Amended) 44. A nucleotide primer of claim 42 comprising the pair of primers 5' GCGCGAGAGCCCGAACTGC 3' (SEQ ID NO:4) and 5' GCGCAGCAGAACGTCAGC 3' (SEQ ID NO:5).

(Amended) 53. The method of claim 52 wherein the pair of primers are 5' GCGCGAGAGCCCGAACTGC 3' (SEQ ID NO:4) and 5' GCGCAGCAGAACGTCAGC 3' (SEQ ID NO:5).

REMARKS

Applicants submit herewith a Substitute Sequence Listing. In addition, the specification and claims have been amended as presented hereinabove to reflect the insertion of SEQ ID NO: designators into the appropriate parts of the disclosure to identify the sequences as presented in the Substitute Sequence Listing. No new matter has been added by virtue of the amendments made to the specification. The SEQ ID NO: designators have been added to identify sequences as originally filed. The additions to the description of the figures is supported in the specification on page 17, lines 17-21, and on page 19, lines 3-21; and specifically in figures 2 and 4.

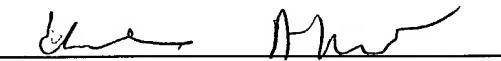
Also submitted with this Amendment is a Substitute Sequence Listing containing SEQ ID NO:1 through SEQ ID NO:21 and a "Statement to Support the Filing and Submission of the Sequence Listing in accordance with 37 C.F.R. §§1.821-1.825." No further fee is believed due with this submission.

Attached hereto is a marked-up version of the changes made to the claims and specification in this amendment. The attached pages are captioned **"Version with Markings to Show Changes Made".**

Respectfully submitted,

BIERMAN, MUSERLIAN & LUCAS

Date: April 25, 2002

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Version with Markings to Show Changes Made

IN THE SPECIFICATION:

On page 14, line 12 has been amended as follows:

-- Figure 2: Nucleotide sequence (SEQ ID NO:12) of the *senX3* and --

On page 14, line 14 has been amended as follows:

-- sequences: nucleotides 3 to 119 is the open reading frame (ORF) for PgmY amino acid sequence (SEQ ID NO:19); nucleotides 296 to 1528 is the ORF for the SenX3 amino acid sequence (SEQ ID NO:20); and nucleotides 1679 to 2362 is the ORF for the RegX3 amino acid sequence (SEQ ID NO:21). The arrows indicate palindromic sequences. --

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IN THE CLAIMS:

Claims 44 and 53 have been amended as follows:

44. A nucleotide primer of claim 42 comprising the pair of primers 5' GCGCGAGAGCCCGAACTGC 3' (SEQ ID NO:4) and 5' GCGCAGCAGAAACGTCAGC 3' (SEQ ID NO:5).

53. The method of claim 52 wherein the pair of primers are 5' GCGCGAGAGCCCGAACTGC 3' (SEQ ID NO:4) and 5' GCGCAGCAGAAACGTCAGC 3' (SEQ ID NO:5).